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11 **UNITED STATES DISTRICT COURT**  
12 **DISTRICT OF NEVADA**  
13

14 THEODORE LEACH; and JAMES  
KERRIGAN,

15 Plaintiffs,

16 v.

17 DENNETT INGRAM; EPICUP HOLDINGS,  
18 INC. (ARIZONA); EPICUP PTE, LTD.; and  
19 EPICUP HOLDINGS, INC. (WYOMING),

20 Defendants.  
21

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23  
24 DENNETT INGRAM; EPICUP HOLDINGS,  
INC., an Arizona Dissolved Corporation;  
25 EPICUP PTE. LTD., a Singapore business  
entity; and EPICUP HOLDINGS, INC., a  
26 Wyoming Corporation;

27 Counterclaimants,  
28

Case No. 2:22-cv-01809-JAD-NJK

**STIPULATION AND ORDER (1)  
VACATING PLAINTIFFS' MOTIONS FOR  
TEMPORARY RESTRAINING ORDER  
AND PRELIMINARY INJUNCTION [ECF  
NOS. 26, 27] JULY 25, 2023 HEARING  
REGARDING THE SAME [ECF NO. 28  
(MINUTES)]AND STIPULATION  
REGARDING TELEPHONIC  
PARTICIPATION [ECF NO. 29]**

**[FIRST REQUEST]**

ECF Nos. 26, 27, 29, 30

v.

THEODORE LEACH, JAMES KERRIGAN,  
JASON KERRIGAN, JFK ENTERPRISES,  
INC., and TJL ENTERPRISES, INC.,

Counter-defendants.

Pursuant to District of Nevada Local Rule IA 6-2, Defendants / Counterclaimants Dennett Ingram (“INGRAM”); Epicup Holdings, Inc. (Arizona); EpicUp PTE, Ltd (“PTE”); and EpicUp Holdings, Inc. (Wyoming) (“EpicUp”) (Collectively “Counterclaimants” or “Defendants”) and Plaintiffs / Counterdefendants Theodore Leach, and James Kerrigan (“Plaintiffs”), (collectively, the “Parties”), by and through their counsel of record, hereby stipulate to extend discovery deadlines and other deadlines in the January 20, 2023 Scheduling Order as follows:

This matter involves a series of commercial transactions related to an IP Asset (“Asset”), which is presently in Defendant Ingram’s possession and which is presently being leased. It was originally filed in the Eighth Judicial District Court, Clark County, Nevada, CaseNo. A-22-8589512-B (“State Court Action”), prior to being removed to this Court.

Presently, the Asset is subject to a moratorium on transfer, imposed by the American Registry of Internet Numbers (“ARIN”). The ARIN moratorium was in place when this lawsuit was commenced, and is scheduled to expire on or about August 6, 2023.

Plaintiffs’ then-counsel, Ted Boyack, was notified of the ARIN restriction via letter on August 29, 2022. *See* State Court Action, Doc. 21, Ex. C.

On October 6, 2022, Plaintiffs filed an ex parte application for temporary restraining order in this matter while the same was pending in the Eighth Judicial District Court, Clark County, Nevada (“First Injunction Motion”). There, Plaintiffs argued “there is a substantial risk that Defendants are attempting to transfer, sell, lease or otherwise dispose of the subject IP Blocks.”

1 As part of the State Court Action, the Parties stipulated and agreed to the ARIN moratorium and  
2 that injunctive relief regarding transfer of the Asset would not be necessary due to the moratorium.

3 On October 16, 2022, Defendants filed a response to the First Injunction Motion. This  
4 filing included a declaration from Defendant Ingram, who represented that “EpicUp has no  
5 intentions of trying to sell the Assets to Hilco Steambank or any other potential buyer until August  
6 2023 at the earliest, to comply with ARIN’s requests.” State Court Action, Doc. 21, at Ex. A, at  
7 ¶ 18.

8  
9 Thereafter, the Parties entered a stipulation in which Defendants agreed not to sell the Asset  
10 until August 2023, consistent with Ingram’s declaration at Doc. 21, Ex. A, at ¶ 18. *See* State Court  
11 Action, Oct. 17, 2022 Minutes; *see also* ECF No. 27-1, at 1.

12 In June 2023, the Parties began negotiations regarding disposition of the Asset after  
13 expiration of the ARIN restriction in August 2023. Defendants’ counsel, Miles Clark, has  
14 represented to Plaintiffs’ counsel that he is not aware of any contemplated sale of the Asset shortly  
15 after August 6, 2023.

16  
17 On June 30, 2023, Plaintiffs filed an application for temporary restraining order and motion  
18 for preliminary injunction. ECF Nos. 26, 27 (“Motions”). At the time the Motions were filed, the  
19 Parties were actively discussing a resolution that might avoid injunction-motion practice. Those  
20 discussions continued after the filing of the Motions.

21 On June 30, 2023, the Court set a hearing on the Motions for July 25, 2023. ECF No. 28  
22 (minutes) (“Hearing”).

23  
24 On July 5, 2023, the Parties submitted a stipulation seeking permission for Defendants’  
25 counsel to appear at the July 25, 2023 hearing telephonically. ECF No. 29 (“Remote Appearance  
26 Stipulation”).

1 As a result of the Parties' continuing discussions regarding a compromise which could  
2 avoid motion practice, the Parties have reached agreement to continue the prior agreement that  
3 none of the Defendants will sell, transfer or convey any interest in the Asset to a third party until  
4 further Order of this Court, consistent with Defendant Ingram's representations in the State Court  
5 Action, Doc. 21, Ex. A, at ¶ 18. Nothing in this Section shall limit the rights of the Parties to lease  
6 the Asset or makes claims to any leasing revenues pending further Order of this Court.  
7

8 Consequently, the Parties aver that if the Court grants this stipulation, the Motion, and  
9 Remote Appearance and Hearing shall be withdrawn by the Parties as moot.

10 None of the Parties are waiving any rights, claims or defenses as a result of this Stipulation  
11 other than that no interest in the Asset shall be sold, transferred or conveyed without further Order  
12 of this Court.

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This stipulation is made in good faith, and is not for purposes of delay.

**IT IS SO STIPULATED.**

Dated July 13, 2023

**LAW OFFICES OF MILES N. CLARK, LLC**

/s/ Miles N. Clark

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*Counsel for Plaintiffs  
Theodore Leach and James Kerrigan*

**ORDER**

Based on the parties' stipulation [ECF No. 30] and good cause appearing, IT IS HEREBY ORDERED that the motions for a temporary restraining order and preliminary injunction [ECF Nos. 26, 27] are deemed withdrawn, and the 7/25/23 hearing on those motions [ECF No. 28] is VACATED. The stipulation for telephonic appearance [ECF No. 29] is denied as moot.

  
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U.S. District Judge Jennifer A. Dorsey  
Dated: July 14, 2023